

REMARKS

Claims 1, 3-8, 12, 14-17, 19-22 and 24-38 are pending in this application. Favorable reconsideration is requested in view of the following remarks.

All of the pending claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszczyk et al. (US 5,886,993) in view of Messenger (US 5,276,680).

The applicant has amended claim 1 to more clearly articulate that the “adapting a rate of polling associated with said session” feature of claim 1 is performed “according to said monitoring and said quality of service requirements [of said session].”

The examiner acknowledges that Ruszczyk does not disclose the “adapting a rate of polling” feature previously-presented in claim 1. In applying Messenger, the examiner stated:

Messenger discloses that the polling rate may be varied dynamically in response to the potentially changing in rate of data transmission to the handheld unit (1 8) (col. 8, lines 22-26). This meets the limitations of adapting the assignment of communication resources in accordance with received statistics. Messenger also discloses adapting a rate of polling associated with particular stations and continuing polling of the stations in accordance with an adapted polling pattern (col. 8, lines 22-50).

The applicant disagrees. Messenger discloses a battery-operated portable device implementing a power saving protocol that enables the device to adjust the rate at which a cable-based network transmits data packets to the device. Specifically, the device is initially programmed to send a polling packet to a controller of the network at 2 second intervals. Upon receipt of the polling packet, the controller determines whether there are any pending packets to be sent to the device. If there are pending packets, the controller causes one of the pending packets to be returned to the device as a nonempty response packet. Each time a nonempty response packet is received, the device doubles the polling rate (e.g., from a 2 second interval to a 1 second interval to a 500 millisecond interval) until the polling interval is approximately 10 milliseconds. If there are no pending packets, the controller returns an empty response packet to the device. Each time an empty response packet is received, the device halves the polling rate (e.g., from a 500 millisecond interval to a 1 second interval) until the polling interval returns to 2 seconds.

Messenger may disclose adjusting the polling rate to accommodate the rate of data transmission to the device. However, Messenger does not contemplate a system in which a communication session has quality of service requirements. Messenger does not disclose “adapting a rate of polling associated with said session according to ... said quality of service requirements” as required in claim 1.

Claim 15, which recites “means for ... adapting a rate of polling associated with said session according to ... said quality of service requirements” is patentable for at least similar reasons as claim 1.

In claim 17, software causes a computer system to perform the function of “adapting a rate of polling associated with said session according to ... said quality of service requirements,” and claim 16 is patentable for at least similar reasons as claim 1.

In claim 21, an apparatus includes a polling manager for “adapting a rate of polling associated with each of the stations in accordance with ... quality of service requirements of communication sessions at the stations,” and claim 21 is patentable for at least similar reasons as claim 1.

Claim 35, which recites a method including “determining a polling pattern for polling the plurality of stations ... wherein the rate of polling for a station satisfies quality of service requirements for a plurality of communication sessions at the station” is patentable for at least similar reasons as claim 1.

The dependent claims are patentable for at least the same reasons given with respect to the independent claims from which they depend.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

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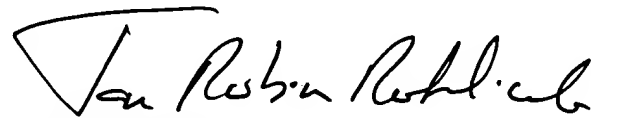
Attorney's Docket No.: 07880-126001

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Enclosed is a Enter \$ amount check for excess claim fees and a Enter \$ amount check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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